



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

US EPA RECORDS CENTER REGION 5



487644

MAR 30 1994

REPLY TO THE ATTENTION OF:

HSE-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

St. Louis National Stockyards Co.
c/o Beulah Penry, President
P.O. Box 97
National Stock Yards, IL 62071

Re: Request for Information Pursuant to Section 104(e) of CERCLA
for the Isaiah Watson Site in Cahokia, Illinois.

Dear Beulah Penry:

The United States Environmental Protection Agency (U.S. EPA) is currently investigating the source, extent, and nature of the release or threatened release of hazardous substances, pollutants, or contaminants at the Isaiah Watson site, located in Cahokia, Illinois (hereinafter referred to as the "Site"). This investigation requires inquiry into the generation, storage, treatment, and disposal of such substances that have been or threaten to be released at the Site. U.S. EPA is also investigating the ability of persons connected with the Site to pay for or perform a clean-up of the Site.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(e), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Pub. L. 99-499, you are hereby requested to respond to the Information Requests enclosed. Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within ten (10) business days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by U.S. EPA pursuant to Section 104(e) (5) of CERCLA which, as amended, authorizes the United States to seek penalties from a federal court of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. "Non-compliance" is considered by U.S. EPA to be not only failure to respond to the Requests, but also failure to respond completely and truthfully to each Request. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand dollars (\$10,000) or up



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to five (5) years of imprisonment or both under 18 U.S.C. § 1001. The U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action.

This Information Request is directed to your company, its officers, directors, and employees, and its subsidiaries, divisions, facilities, and their officers, directors, and employees. The relevant time period for this request is 1970 to the present. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

Your response to this Information Request should be mailed to:

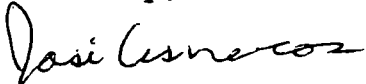
Peggy Schwebke
Emergency Support Section
U.S. Environmental Protection Agency (HSE-5J)
77 West Jackson Boulevard
Chicago, Illinois 60604

Please direct any questions you may have to Ms. Schwebke at (312) 886-0758. If you have any legal questions, contact Eileen Furey at (312) 353-6124.

Due to the seriousness of the problem at the Site and the legal ramifications if you fail to respond promptly and properly, U.S. EPA strongly encourages you to give this matter your immediate attention and to respond to these Information Requests within the time specified above.

Thank you for your cooperation in this matter.

Sincerely,



Richard C. Karl, Chief
Emergency & Enforcement Response Branch

Enclosure

Requests for Information Pursuant to Section 104(e) of CERCLA

INSTRUCTIONS

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the number of the Information Request to which it corresponds.
3. In answering each Information Request, identify all contributing sources of information.
4. If information not known or not available to the Respondent as of the date of submission of its response should later become known or available, Respondent must supplement its response to U.S. EPA. Moreover, should the Respondent find, at any time after the submission of its response, that any portion of the submitted information is false or misrepresents the truth, respondent must notify U.S. EPA as soon as possible.
5. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
6. You must respond to the Information Request on the basis of all information and documents in your possession, custody, or control or in the possession, custody, or control of your former or current employees, agents, servants, contractors, or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge and regardless of source.
7. Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating that a diligent record search has been completed and that there has been a diligent interviewing process with all present and former employees who may have knowledge of the operations, hazardous substance use, storage, treatment, releases, spills, disposal, or handling practices of the Respondent between 1970 and the present. To the extent that any information you provide relating to these Requests is based on your personal knowledge, or the personal knowledge of your employees, agents, or their representatives, this information shall be in the form of a notarized affidavit.
8. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.

9. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. [See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (December 18, 1985)]. If no such claim accompanies the information when it is received by U.S. EPA, it may be made available to the public by U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7)(ii) of CERCLA.

DEFINITIONS

For the purpose of the Instructions and Information Requests set forth herein, the following definitions shall apply:

1. The term "you" or "Respondent" shall mean the addressee of the Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, successors, assigns, subsidiaries, and agents.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust, or governmental entity, unless the context indicates otherwise.
3. "The Site" or "The Facility" shall mean and include the entire property currently or formerly leased by Isaiah Watson on Big Bend Road in Cahokia, Illinois.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including mixtures of hazardous substances with other substances including petroleum products.
5. The term "pollutant" or "contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA.
6. The terms "furnish", "describe", or "indicate" shall mean turning over to U.S. EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a

written response. If such requested information is not in your possession, custody, or control, then indicate where such information or documents may be obtained.

7. The term "identify" means, with respect to a natural person, to set forth his full name, present or last known business address, the name of that employer, and a description of the job responsibilities of such person.

8. The term "identify" means, with respect to a corporation, partnership, business trust, or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

9. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.

10. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, abandonment, or discarding of barrels, containers, and other closed receptacles containing any hazardous substances or pollutants or contaminants.

11. As used here, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by the way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements, and the like, diary, calendar, desk pad, scrap book, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc, or disc pack; and any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc or disc pack, tape or other type of memory and together with printouts of such punch card, disc or disc pack, video tape or other type of memory), including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any documents, and (e) every document referred to in any other document.

12. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Information Requests any information which might otherwise be construed to be outside their scope.

INFORMATION REQUESTS

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.
4. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal, or other handling of hazardous substances by you, your contractors, or by prior owners and/or operators.
5. List the EPA Identification Numbers of the Respondent, if applicable.
6. If Respondent is a Corporation, respond to the following requests:
 - a) Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.
 - b) Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service.
 - c) Identify all of Respondent's current assets and liabilities and the persons who currently own or are responsible for such assets and liabilities.
7. If Respondent is a Partnership, provide copies of the Partnership Agreement.
8. If Respondent is a Trust, provide all relevant agreements and documents to support this claim.
9. Identify all liability insurance policies held by Respondent from 1970 to the present. In identifying such policies, state the name and address of each insurer and of the insured, the

amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, non-sudden, or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

10. Provide copies of all income tax returns sent to the federal Internal Revenue Service in the last three years.

11. State the dates during which you owned, operated, or leased the Site and provide copies of all documents evidencing or relating to such ownership, operation, or lease arrangement (e.g., deeds, leases, etc.).

12. Describe the nature of your activities or business at the Site with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Site.

13. Did you ever use, purchase, store, treat, dispose, transport, or otherwise handle any hazardous substances or materials at the Site? If the answer to the preceding question is anything but an unqualified "no", identify:

a) The chemical composition, characteristics, and physical state (e.g., solid, liquid) of each hazardous substance;

b) Who supplied you with such hazardous substances;

c) How such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you;

d) When such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you;

e) Where such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you; and

f) The quantity of such hazardous substances used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you.

14. Identify the prior owners of the Site. For each prior owner, further identify:

a) The dates of ownership;

b) All evidence showing that they controlled access to the

Site; and

c) All evidence that a hazardous substance, pollutant, or contaminant, was released or threatened to be released at the Site during the period that they owned the Site.

15. Identify the prior operators, including lessors, of the Site. For each such operator, further identify:

a) The dates of operation;

b) The nature of prior operations at the Site;

c) All evidence that they controlled access to the Site; and

d) All evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at or from the Site and/or its solid waste units during the period that they were operating the Site.

16. Identify the acts or omissions of any persons, other than you, your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom.

17. Provide information about the Site, including, but not limited to, the following:

a) Property boundaries, including a written legal description;

b) Location of underground utilities (telephone, electrical, sewer, water main, etc.);

c) Surface structures (e.g., buildings, tanks, etc.);

d) Ground water wells, including drilling logs;

e) Storm water drainage system and sanitary sewer system, past and present, including septic tank(s), subsurface disposal field(s), and other underground structures; and where, when, and how such systems are emptied;

f) Any and all additions, demolitions, or changes of any kind on, under, or about the Site, its physical structures, or to the property itself (e.g., excavation work); and any planned additions, demolitions, or other changes to the Site; and

g) All maps and drawings of the Site in your possession.

18. Identify all past and present solid waste units (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on the Site.

For each such solid waste unit identified, provide the following information:

- a) A map showing the unit's boundaries and the location of all known solid waste units, whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units;
- b) The type of unit (e.g., storage area, landfill, waste pile, etc.), and the dimensions of the unit;
- c) The dates that the unit was in use;
- d) The purpose and past usage (e.g., storage, spill containment, etc.);
- e) The quantity and types of materials (hazardous substances and any other chemicals) located in each unit;
- f) The construction (materials, composition), volume, size, dates of cleaning, and condition of each unit; and
- g) If unit is no longer in use, how was such unit closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit.

19. Provide copies of all local, state, and federal environmental permits ever granted for the Facility or any part thereof (e.g., RCRA permits, NPDES permits, etc.).

20. Did the Facility ever have "interim status" under the Resource Conservation and Recovery Act (RCRA)? If so, and the Facility does not currently have interim status, describe the circumstances under which the Facility lost interim status.

21. Did the Facility ever file a notification of hazardous waste activity under RCRA? If so, provide a copy of such notification.

22. Provide all reports, information, or data related to soil, water (ground and surface), or air quality, and geology/hydrogeology at and about the Site. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

23. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrology, or air quality on or about the Site? If so, identify:

- a) What the nature and scope of these investigations will be;
- b) The contractors or other persons that will undertake these

investigations;

- c) The purpose of the investigations;
- d) The dates when such investigations will take place and be completed; and
- e) Where on the Site such investigations will take place.

24. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrology or air quality adjacent to or in close proximity to the Site? If so, identify:

- a) What the nature and scope of these investigations will be;
- b) The contractors or other persons that will undertake these investigations;
- c) The purpose of the investigations;
- d) The dates when such investigations will take place and be completed; and
- e) Where on the Site such investigations will take place.

bcc: Eileen Furey, ORC (CS-3T)
Fred Bartman, OSC (HSE-5J)
Jose Cisneros, ESS (HSE-5J)
Peggy Schwebke, ESS (HSE-5J)
Oliver Warnsley, RP-CRU (HSM-5J)
Toni Lesser, Public Affairs (P-19J)
EERB Site File
EERB Read File
Fred Policarpio (HSRLT-5J) w/o attachments

the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date

Pschwebke

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

ST. LOUIS NATIONAL STOCKYARDS CO.
C/O BEULAH PENRY, PRESIDENT
P.O. BOX 97
NATIONAL STOCK YARDS, IL 62071

Article Number

575 784

Service Type

- Registered ☐ Insured
- Insured ☐ COD
- Registered Mail ☐ Return Receipt for Merchandise

Date of Delivery

Is your RETURN

5. Signature (Addressee)

Julia Haman

6. Signature (Agent)

7. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service

UNITED STATES POSTAL SERVICE

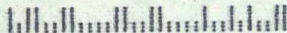
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PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



~~Chicago~~ N3E5J

U.S. ENVIRONMENTAL PROTECTION AGENCY
EMERGENCY & ENFORCEMENT RESPONSE BRANCH
77 W. JACKSON BOULEVARD (HSE-5J)
CHICAGO, ILLINOIS 60604



P 188 575 784 HSE-5J

ST. LOUIS NATIONAL STOCKYARD
C/O BEULAH PENRY, PRESIDENT
P.O. BOX 97
NATIONAL STOCK YARDS, IL 620

Postage	\$ 1.75
Certified Fee	1.00
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$ 2.75

Postmark or Date



